



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

JUN 11 2013

CERTIFIED MAIL 7001 0320 0005 8922 0263
RETURN RECEIPT REQUESTED

Tony Oestreich, Owner
T and J Tire
45989 286th Lane
Aitkin, Minnesota 56431

Re: Section 9005 - Information Request Letter

Dear Mr. Oestreich:

This is a request for information concerning the underground storage tanks (UST) located on your property. The information requested specifically relates to your compliance with federal environmental regulations. The Information Request asks you to please submit written evidence to this office within thirty (30) days of receipt of this letter regarding two (2) 4,000 gallon and one (1) 1,000 gallon in service USTs.

On August 14, 2012, a representative of the United States Environmental Protection Agency attempted to conduct an inspection of T & J Tire located at 507 Main Street in Onamia, Minnesota. The purpose of the inspection was to determine compliance with the Federal UST regulations set forth in Title 40 of the Code of Federal Regulations (CFR) Part 280. At the time of the inspection, the inspector noted that the USTs were not operational; however, no one was at the facility to verify that. The information requested is necessary to more accurately determine if the USTs are being operated in accordance with the applicable federal regulations under 40 CFR Part 280.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 United States Code (U.S.C.) §3501, et seq. The U.S. EPA has the authority to request information regarding regulated underground storage tanks under Section 9005 of Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6991d. You must respond to this Information Request. Failure to respond to this information request could subject you to enforcement action, including the assessment of penalties.

The enclosed subject Information Request has instructions and outlines the specific information that the U.S. EPA is requesting you submit regarding your UST operations. If you have any questions regarding this Information Request Letter, please call Mark Restaino, of my staff, at (312) 886-0394. Please send the information being requested to:

U.S. EPA Region 5
Underground Storage Tanks Section
Attention: Mark Restaino
77 West Jackson Boulevard (LR-8J)
Chicago, Illinois 60604-3590

Sincerely,



Sherry Kamke, Chief
Underground Storage Tank Section

Enclosures

cc: Scott Hansen, Department of Natural Resources, Mille Lacs Band of Ojibwe Indians

INFORMATION REQUEST

I. INTRODUCTION

Underground storage tanks (USTs) are regulated by the U.S. Environmental Protection Agency under Title 40 of the Code of Federal Regulations (CFR) Part 280.

This Information Request asks you to submit copies of documents to this office as evidence of compliance with the release detection requirements as required by 40 CFR Part 280. The U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

This Information Request serves to require you to submit complete and truthful information to the U.S. EPA relating to regulated USTs under 40 CFR Part 280 of the regulations. Failure to respond to this request may result in an U.S. EPA enforcement action under Section 9006(a) of RCRA, 42 U.S.C. §6991e(a), which provides for penalties of up to \$32,500 per day for failure to comply with an order issued under this section.

II. REQUEST FOR ANSWERS TO QUESTIONS & SUBMITTAL OF DOCUMENTS

1. You must complete Attachment I *"Information Request Certification Document"* and it must accompany any information you submit in response to this Information Request.
2. Please send all correspondence to: U.S. EPA Region 5 (LR-8J), Underground Storage Tanks Section, Attention: Mark Restaino, 77 West Jackson Blvd., Chicago, Illinois 60604-3590
3. Please indicate if the USTs are currently active or if they are temporarily closed.
4. Provide documentation that the USTs are being monitored for a release.
 - a. If the USTs are active, 40 CFR §280.41(a) requires that "tanks must be monitored at least every 30 days for releases..." Please submit the last twelve (12) months of records indicating that each UST is being monitored monthly and that there is no release.
 - b. If the USTs are temporarily closed, 40 CFR §280.70(a) requires that owners and operators monitor the UST for a release; however, if the UST is emptied to less than one (1) inch of product/residue release detection is not required. Please submit the last twelve (12) months of records indicating that each USTs is being monitored monthly and that there is no release. Alternatively you may provide documentation that the USTs contain less than one (1) inch of product/residue. The U.S. EPA has authorized Scott Hansen, of the Mille Lacs Band of Ojibwe Indians Department of Natural Resources, to verify the product/residue level in the USTs. If you would like to have Scott verify the product/residue levels in the USTs he can be reached at (320) 532-7445.
5. Provide documentation that the piping is being monitored for a release.
 - a. If the USTs are active, 40 CFR §280.41(b) requires that "underground piping that routinely contains regulated substances must be monitored for release..." Please submit records indicating that each UST piping system is being monitored and that there is no release.

- b. If the USTs are temporarily closed, 40 CFR §280.70(a) requires that owners and operators monitor the piping for a release; however, if the UST is emptied to less than one (1) inch of product/residue release detection is not required. Please submit records indicating that each UST piping system is being monitored and that there is no release. Alternatively you may provide documentation that the USTs contain less than one (1) inch of product/residue. The U.S. EPA has authorized Scott Hansen, of the Mille Lacs Band of Ojibwe Indians Department of Natural Resources, to verify the product/residue level in the USTs. If you would like to have Scott verify the product/residue levels in the USTs he can be reached at (320) 532-7445.

III. INSTRUCTIONS

You must respond to this Information Request within thirty (30) days of receipt of this Information Request Letter.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR §2.203. Please make any request for confidentiality when the information is submitted; otherwise the U.S. EPA may make available to the public without further notice any information not so identified¹. Before asserting a business confidentiality claim, please read carefully the cited regulations, together with the standards set forth in Section 9005 of RCRA. Copies are available upon request.

The written statements and any documents submitted in support of this Information Request must be notarized and submitted under an authorized signature certifying that all statements contained therein are true, authentic, and accurate to the best of the signatory's knowledge and/or belief.²

The authorized signatory should sign and date the attached *Information Request Certification Document* (Attachment I). The attached Information Request Certification Document shall accompany any data submitted for this request, even if submitted under separate covers. Should the signatory, at any time after submitting the requested information, find that any portion of the submitted information certified as true and accurate, is false or misleading, the signatory should immediately so notify the U.S. EPA, Region 5.

Attachment(s)

¹ Information covered by such a claim will be disclosed by the U.S. EPA only to the extent, and only by means of the procedures set forth in 40 CFR Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (September 8, 1978); 50 Federal Register 51654 et seq. (December 18, 1985)].

² If any statements or representations certified as true should be found to be untrue, fictitious, or intentionally misleading, the signatory can and may be prosecuted under Title 18 United States Code (U.S.C.) §1001. Criminal penalties can be imposed of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both

ATTACHMENT I

INFORMATION REQUEST CERTIFICATION DOCUMENT

I _____ certify under the penalty of law³ that I have personally examined and am familiar with the information submitted in responding to this information request, and request for submission of documents. Based on my review of all relevant documents and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Certified this _____ day of _____, 20__.

(Signatory name & title)

(Notary Public signature & date)

My commission expires _____, 200__.

NOTARY SEAL

³ If any statements or representations certified as true should be found to be untrue, fictitious, or intentionally misleading, the signatory can and may be prosecuted under Title 18 United States Code (U.S.C.) §1001. Criminal penalties can be imposed of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both.